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LETTER DATED 14 MAY 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions of my Government and in accordance with paragraph 8 of Security Council resolution 748 (1992), I have the honour to inform you of the measures taken by the United States of America to assure full and complete implementation of paragraphs 3 through 7 of that resolution:

The United States has maintained a series of restrictions on dealing with Libya since 1986. These restrictions were imposed by Executive Order 12543 of 7 January 1986 in response to Libya's continuing support for, and involvement in, acts of international terrorism. These pre-existing United States restrictions go beyond those contained in Security Council resolution 748 (1992). For example, under the United States Government's Libya sanctions regulations, virtually all imports from and exports to Libya are restricted. In addition, transactions by a United States person relating to (a) any transportation to or from Libya, (b) the provision of transportation to or from the United States by any Libyan person, vessel or aircraft, and (c) the sale in the United States of any transportation by air, are prohibited except as authorized by United States Treasury Department licence. All transactions described in paragraphs 4 (b), 5 (a) and 5 (b) of resolution 748 (1992) have therefore not been permitted by United States nationals or from United States territory since 7 January 1986.

On 15 April 1992, President George Bush signed Executive Order No. 12801 entitled "Barring Overflight, Takeoff, and Landing of Aircraft Flying to or from Libya". Subsequently, on 16 April 1992 the United States Government issued a Notice to Airmen (NOTAM) prohibiting such aircraft operations. Executive Order No. 12801 bars any aircraft from landing in, taking off from, or overflying the United States as part of a continuation of a flight to or from Libya. This prohibition covers legs or continuation of flights as well as direct flights. This prohibition is in addition to the comprehensive embargo on United States exprots to, and imports from, Libya adopted pursuant to Executive Order No. 12543 of 7 January 1986.

The United States has neither officials nor agents in Libya to advise the Libyan authorities in military matters. Accordingly, no action was required to comply with paragraph 5 (c) of resolution 748 (1992).

Other than the Libyan Mission to the United Nations, there have been no Libyan diplomatic or consular posts in the United States since 11 May 1981, when the United States required Libya to close its People's Bureau in the United States because of a wide range of Libyan provocations and misconduct, including support for international terrorism. With regard to the requirement under paragraph 6 (a) of resolution 748 (1992) to significantly reduce the number and the level of staff of Libyan missions to international organizations, the United States Government, following consultations held with the United Nations, instructed the Libyan Mission to the United Nations to reduce its diplomatic component by three, to include the Deputy Permanent Representative of the Mission. The maximum diplomatic component at the Libyan Mission to the United Nations will be nine. Since November 1981, the United States, for reasons of national security, has restricted the movement of Libyan staff assigned to the United Nations to the five boroughs of the City of New York.

There are no Libyan Arab Airline offices located in the United States. Thus no action was required to comply with paragraph 6 (b) of resolution 748 (1992).

United States immigration law provides for the denial of entry into the United States of any person who has engaged in, or is likely to engage in, terrorist activities. This provision is vigorously enforced. Accordingly, the United States Government affirms that it takes all steps necessary to deny entry to or expel Libyan nationals who have been denied entry to or expelled from other States because of their involvement in terrorist activities.

The United States Government affirms that it will act strictly in accordance with the provisions of Security Council resolution 748 (1992) notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before 15 April 1992.

(Signed) Edward J. PERKINS